

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
Case No. 4:24-CV-00051-M-RN**

CYNTHIA B. AVENS,)	
)	
Plaintiff,)	
)	
v.)	<u>ECU HEALTH MEDICAL CENTER’S</u>
)	<u>MOTION FOR EXTENSION OF TIME</u>
)	<u>TO RESPOND TO PLAINTIFF’S</u>
FARIS C. DIXON, JR., DISTRICT)	<u>COMPLAINT</u>
ATTORNEY, VIDANT/ECU HEALTH)	
MEDICAL CENTER, DR. KAREN)	
KELLY, MEDICAL EXAMINER,)	JURY DEMAND
JOHN/JANE DOE, JOHN/JANE DOE,)	
and JOHN/JANE DOE,)	
)	
Defendants.)	

Defendant Pitt County Memorial Hospital, Inc. (“ECU Health Medical Center”)¹, pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), hereby files this Motion for Extension of Time to Respond to the Complaint and states the following in support thereof:

1. On March 22, 2024, Plaintiff Cynthia B. Avens (“Avens”) filed her Complaint in the United States District Court for the Eastern District of North Carolina. (Docket Entry 1).
2. ECU Health Medical Center was served with the Summons and Complaint on April 5, 2024. (Docket Entry 6).
3. The period in which to file and serve a response to the Complaint has not yet expired. ECU Health Medical Center’s response deadline has not previously been extended.

¹ Defendant’s legal name is Pitt County Memorial Hospital, Inc., but it does business as ECU Health Medical Center and formerly did business as Vidant Medical Center.

4. The undersigned counsel only recently were retained to represent ECU Health Medical Center in this matter, and ECU Health Medical Center needs additional time to formulate an answer or otherwise respond to the Complaint.

5. As such, ECU Health Medical Center requests an extension of time up to and including May 28, 2024, to file a response to the Complaint.

6. The additional time sought is not for purposes of delay. No parties will be prejudiced by this extension, and it will serve the interests of judicial economy.

7. Pursuant to Local Rule 6.1, the undersigned counsel consulted with Avens about this Motion, and Avens consented to the requested extension of time to answer or otherwise respond to the Complaint.

8. Good cause thus exists for the requested extension of time.

For these reasons, ECU Health Medical Center respectfully requests that the Court grant the Motion and permit ECU Health Medical Center to file its response to the Complaint on or before May 28, 2024.

Respectfully submitted,

/s/ Terrence M. McKelvey

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*Counsel for Defendant Pitt County
Memorial Hospital, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served upon all counsel of record via the Clerk of Court's ECF system and upon Plaintiff Cynthia B. Avens via U.S. Mail, postage prepaid, at the address listed below, this April 23, 2024:

Cynthia B. Avens
303 Riverside Trail
Roanoke Rapids, North Carolina 27870

/s/ Terrence M. McKelvey